

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
MICHIGAN

FILED - MQ

May 30, 2019 9:25 AM

U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: sik / scanned 85-3019

Doyle mims #838715 et al.  
Plaintiff,

-V-

Civil Action No. \_\_\_\_\_  
Complaint

2:19-cv-106

Gordon J. Quist, U.S. District Judge  
Maarten Vermaat, Magistrate Judge

warden ERICA HUSS of michigan  
State Prison / Prison Counselor Johnson,  
Prison Chaplain Tom Prisk, classification  
Director Luke Cody, Prison counselor J. Thorington,  
Correctional Officer Haralson et al.

Defendants

### I. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343(a)(3). Plaintiff Doyle mims seeks declaratory reliefs pursuant to 28 U.S.C. section 2201 and 2202. Plaintiff Doyle mims claims for injunctive relief are authorized by 28 U.S.C. section 2283 & 2284 and Rule 65 of the federal Rules of civil Procedure.

2. The western District of michigan is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to this claim occurred.

### II. Plaintiff

3. Plaintiff Doyle mims is and was at all times mentioned herein a prisoner of the state of michigan in the custody of the michigan Department of corrections. He is currently confined in michigan state prison, in marquette, michigan.

### III. DEFENDANTS

4. Defendant Erica Huss is the warden of Michigan state Prison, she is legally responsible for the operation of Michigan state Prison and for the welfare of the inmates of that Prison of Marquette Michigan.
5. Defendant Tom Prisk is a institutional chaplain of the Michigan Department of corrections who at all times mentioned in this complaint, held the rank of institutional chaplain at Marquette Prison of Michigan.
6. Defendant Luke Cody is a classification Director of the Michigan Department of corrections who at all times mentioned in this complaint, held the rank of classification Director and was assigned to Marquette Prison of Michigan.
7. Defendant J. Thornington is a Prison counselor of Marquette Prison of Michigan Department of corrections who at all times mentioned in this complaint, held the rank of Prison counselor and was assigned to Marquette Michigan Prison.
8. Defendant Johnson is a Prison counselor of the Marquette Michigan state Prison who at all times mentioned in this complaint, held the rank of Prison counselor and was assigned to Marquette Michigan Prison.
9. Defendants Haralson is a correctional officer of the Michigan Department of corrections who at all times mentioned in this complaint, held the rank of Prison guard and was assigned to Michigan state Prison.
10. Each defend is sued individually and in his/her official capacity. At all times mentioned in this complaint each defendant acted under the color of State law.



~~III~~ **FACTS**

11. AT all times Relevant to this case, Plaintiff Doyle mims was a inmate at the Marquette Branch Prison of Michigan Department of Corrections except, when Plaintiff transferred to Zonia Correctional Facility temporarily for a writ to forensic center. Returning to Marquette 4-22-19.

12. On approximately March 17, 2019, Defendant Tom Prisk passed out sign up sheets in E-Block Housing unit to conduct sign up's for Islamic Ramadan beliefs, upon information and belief, the sign up Ramadan sheet was to be turned in by deadline date April 5, 2019.

13. Plaintiff Doyle mims filled out and signed the sign up sheet immediately turning it back in to the Chaplain Tom Prisk hand to hand on approximately March 17, 2019.

14. On March 20, 2019, Doyle mims received a memorandum response from Tom Prisk Marquette Branch Prison Chaplain, stating that regarding Doyle mims "request" to be placed on Ramadan meal bags, Doyle mims would not be able to participate because Doyle mims was not listed as "Muslim" in the "OMNI" Religious section; it said Doyle mims was listed as "unknown", and that Lansing won't allow prisoners listed as "unknown" Religious Preference to participate.

15. Prior to these dates Doyle mims had arguments with Tom Prisk the previous Ramadan, about the disrespect toward muslims.

16. Worried that "foul play" was a factor Doyle mims began immediately placing kites into defendants, Luke Cody is and was classification director who is in charge of "OMNI" and such issues, in the kites Doyle mims indicated the issues of his Religious Preference and didn't receive a reply.

17. Doyle mims attempted to write a grievance on March 27, 2019, and never received a reply to the grievance. Doyle mims transferred temporarily to Ionia Correctional on April 3, 2019, and was housed there till April 18, 2019 transferring back to Marquette Branch Prison.

18. On April 23, 2019 Doyle mims advised the Prison Counselor J. Thorington that he wanted to be placed on Ramadan and the issue of the "OMNI". J. Thorington had Doyle mims sign a declaration of Religious faith on April 23, 2019 and sent a E-mail to Tom Prisk about the situation, and advised Doyle mims of this.

19. On April 29, 2019, Doyle mims sent a kite to chaplain explaining the situation and aware Tom Prisk that he wanted to participate in Ramadan and exercise his Religious Rights.



20. Weeks went pass till May 3, 2019 Doyle mims recieved a response/memorandum reply to his April 29, 2019 kite Tom Prisk stated "Regarding Your request to be placed on the meal bags Program for Ramadan, the April 5th deadline for Islamic Prisoners to sign up for the meal bag Program during Ramadan has Passed".

21. On May 5, 2019 Doyle mims was not giving a Ramadan bag and was told by C/O O'Neal that he was not on Ramadan list but he remember Doyle mims Participating the previous Year, and would send a email to Chaplain and Kitchen.

22. On May 5, 2019 Doyle mims was told by C/O Haralson and other C/O's that if he saved his trays to Participate in Ramadan a ticket would be written for Contraband. On May 5, 2019 Doyle mims wrote a Grievance and kite to warden on the neglection of his Religious Rights and Attempts to Participate in Ramadan Fasting.

23. On May 13, 2019 Prison Counselor defendant Johnson, Reviewed Doyle mims on his Grievance and Doyle mims awared Johnson that "foul Play" might be and is at Play, and that he had been in the "OMNI" System listed as muslim for the Past four Years, and has been Practicing Islamic beliefs since he was 14 years old.

24. On May 13, 2019 Johnson Reviewed the documents Relevant to Prove Doyle mims claims of ~~foul~~ Play and Statements. The same day May 13, 2019, Johnson came back to Doyle mims and told him something "fishy" was up and He was Right, to further the Proof Doyle mims Produced a letter from Tom Prisk stating

that he did not sign up before deadline of April 5, 2019. he showed the memorandum were he did sign up and wasn't put on the list. Doyle mims stated to Johnson, that the chaplain is doing this maliciously and wanted administration assistance. Johnson assured Doyle mims he would start that night on Ramadan, and asked did he want to sign off on the grievance, "Doyle mims stated" "No", because it was an on going issue.

25. Because Ramadan started on May 5, 2019 Doyle mims Rights were already infringed so Doyle mims seen no point in doing. Assuming he would be "duped", Johnson still assured mims he was right and would start Ramadan immediately. Johnson returned the next day May 14, 2019 and Doyle mims asked what happen to him starting fast/Ramadan? and Johnson stated "You a fake muslim why do you care?"

26. Doyle mims and Johnson got into a brief verbal confrontation. Doyle mims asked "why are you all of sudden disrespecting me?" Johnson replied "he doesn't like muslims" Thou your right and a pest and believed to be a fake muslim amongst clo's.

27. On May 12, 2019 Doyle mims stage 4 was dropped to stage 2, on May 13, Doyle mims was told by clo Haralson that he did it because he was a fake muslim. He also stated that he wrote threaten behavior on my cell neighbor at the time Green #754619 for helping me and that Green deserved it for being a fake buddhist and he would write one on me if I kept complaining.



28. Doyle mims made Johnson aware of the situation with c/o Haralson and was given ~~a~~ verbal disrespectful response.

29. Doyle mims Through out this time wrote letters to each defendant stating the issues about Ramadan and abuse and Retaliation Problems, Doyle mims Got no reply to any of the kites.

30. on May 15, 2019 Johnson came to Doyle mims cell and told Doyle mims that he was right but couldn't admit it on documentation and Requested Previous documents that Doyle mims already showed to Prove he was in listed as muslim in OMNI.

31. Doyle mims asked Johnson if he turned over these documents and they came up missing would he testify to these findings and admit on stand that he recieved the documents? Johnson told Doyle mims "no" if he misPlaced the documentation he would have to lie, so to cover himself so Doyle mims kept the documentations out of fear of these documents being stolen.

32. Doyle mims again tried to address the issue that He was being discrimenated and Retaliated against him over the Religion issue by c/o Haralson and that he dropped Doyle mims stage for no reason "Johnson" stated he had to do whats best for his boss so he wouldnt address the issue or sign anymore kites. I asked who is he referring to and he stated "Ituss" indicating the warden had his hands tied.

33. Doyle mims Has written to each defendant listed on this claim and recieved limited replies from any of the defendants except Tom Prisk which was a malicious Response due to it being a lie contradicted by Documentation.

34. In the past since being Housed at Marquette Prison Doyle mims has endured retaliation and discrimination against muslim inmates by Tom Prisk, Erica Huss, and other officials of this Prison Marquette.

35. Doyle mims is still being denied Ramadan and is still being Retaliated against by Prison officials Regarding this Situation and others Namely clo Haralson, sgt/clo torongo, and more, stating as such "better sign off" or taking Doyle mims shower, all of which has taken Place between 3-20-19 up untill date.

#### IV. "EXHAUSTION OF LEGAL REMEDIES"

36. Plaintiff Doyle mims used the Prisoner grievance Procedure available at Marquette Branch Prison to try and solve the Problem. on 5-5-19 Plaintiff Doyle mims Presented the facts relating to this Complaint. on 5-17-19 Doyle mims step 1 Grievance was Denied without response as to why. Plaintiff has made numerous efforts to request step 2 and 3 and is being simply ignored of his due Process rights. due to the nature of the complaint, Plaintiff feels its logical to move forward with this complaint for intervention by a court.



## V. LEGAL CLAIMS

37. Plaintiff reallege and incorporate by reference Paragraphs 1-36

38. The Religious discrimination, cruel and unusual Punishment, Harassment, Retaliation, Psychological Harm, Due Process violation, failure to protect Violated Plaintiff Doyle mims rights and constituted Cruel and unusual Punishment, due Process violation, Violation of "free Exercise clause" under the First, Fourteenth, Eighth Amendments to the United States Constitution.

39. The Plaintiff has no Plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.

## VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully Prays that this court enter judgment granting Plaintiff:

40. A declaration that the acts and omissions described herein violated Plaintiff rights under the Constitution and laws of the United States.

41. A Preliminary and Permanent injunction ordering defendants warden Erica Huss, of Michigan State Prison, Prison Counselor Johnson, Prison Chaplain Tom Prisk, Classification director Luke Cody, Prison Counselor J-Thornington, Correctional officer Haralson to Stop Allowing

Defendant Tom Prisk handle Religious activities, discipline Defendant CLO Haralson, Allow Prisoner mims the Plaintiff to Participate in a 60 day fast at the Prison Cost, and transfer Plaintiff to a level 4 Prison to make it easier for Plaintiff to follow his Religious faith.

42. Compensatory damages in the amount of \$250,000.00 against each defendant, jointly and severally.

43. Punitive damages in the amount of \$300,000.00 against each defendant.

44. A jury trial on all issues triable by jury

45. Plaintiff costs in this Suit

46. any additional relief this court deems just, Proper, and equitable.

Dated: 5-28-19 Doyle Mims  
Respectfully Submitted,

Doyle Mims  
1960 U.S. Highway 41 South  
Marquette, MI 49855

#### VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under Penalty of Perjury that the foregoing is true and correct.

Executed at Marquette, MICHIGAN on 5-28-19

Signature: Doyle Mims  
Doyle Mims



Doyle mims #838115  
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marquette Branch Prison

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